

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:05CR266

UNITED STATES OF AMERICA)
)
)
VS.) ORDER
)
)
DAVID DOMINGUEZ)

)

THIS MATTER is before the Court on the Defendant's objections to the Memorandum and Recommendation of United States Magistrate Judge Dennis L. Howell. Pursuant to 28 U.S.C. § 636, the undersigned referred the Defendant's motion to suppress to the Magistrate Judge for a memorandum and recommendation. The Magistrate Judge recommended that the motion be denied.

A district court conducts a *de novo* review of those portions of a Memorandum and Recommendation to which specific objections are filed. **28 U.S.C. § 363(b).** Where no objection is made, the Court need "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Ins.*

Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72.

Advisory Committee Note). Here, only a general objection has been made. Thus, the objecting party has, in essence, asked this Court to conduct a *de novo* review of the entire record.

"Parties filing objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court." **Battle v. U.S. Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (quotations omitted).** "A general objection to the entirety of the magistrate's report has the same effects as would a failure to object. The district court's attention is not focused on any specific issues for review, thereby making the initial reference to the magistrate useless." **Howard v. Sec'y of HHS, 932 F.2d 505, 509 (6th Cir. 1991).** Boilerplate objections without any citation to case law or the record do not warrant *de novo* review. **Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997).** "In this Circuit, *de novo* review is unnecessary 'when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.'"
Hyatt v. Town of Lake Lure, 314 F.Supp.2d 562 (W.D.N.C. 2003), aff'd,

114 Fed. Appx. 72 (4th Cir. 2004); see also, *Lockert v. Faulkner*, 843 F.2d 1015, 1019 (7th Cir. 1988).

Having conducted a careful review, the Court finds the Memorandum and Recommendation should be affirmed.

IT IS, THEREFORE, ORDERED that the Defendant's motion to suppress is hereby **DENIED**.

Signed: February 2, 2006



Lacy H. Thornburg
United States District Judge

